

Act No CLXXVI of 2005

on animal health

Scope

§1 This Act covers:

a) the animal health and hygiene conditions for: the keeping, rearing, breeding, transport, distribution, slaughter and killing of animals, including wild animals; the production, storage, transport, distribution of food (except for products covered by Act No. XVIII of 2004 on vine growing and wine production) and products of animal origin; the production, processing and disposal of animal by-products (hereinafter collectively referred to as “treatment of animal by-products”), as well as their collection, transport, distribution and use; the production, storage, use, transport and distribution of feed;

b) the requirements for the preservation and assessment of the health of animals, and for their curing;

c) the placing on the market of veterinary products, the production, testing in practice, distribution, storage and use of veterinary medicinal products, and the manufacturing of the active ingredient of veterinary medicinal products;

d) the activities of animal health laboratories;

e) certain activities related to pathogens of animal diseases (hereinafter referred to as “pathogens”); and

f) the approval of the activities described in points *a)* to *e)* in accordance with this Act, the veterinary, food hygiene, food safety, feed hygiene and feed safety control thereof, and the epidemiological and hygienic control of infection mediating materials and means.

Definitions

§2 For the purposes of this Act

1. *animal health* means the totality of the epidemiological, veterinary, animal hygiene, reproduction biology and feed hygiene tasks related to animal keeping, rearing, breeding, slaughtering, killing, transport and distribution; the epidemiological and hygiene tasks related to food production, storage, transport and distribution; the tasks related to the treatment, collection, storage, transport, distribution and use of animal by-products; the tasks related to zoonoses; the tasks related to the production, placing on the market, distribution, storage and use of veterinary medicinal products and the tasks related to veterinary products; and the governance and organization of and the provision of the means for the above tasks, as well as the research and education related to these tasks;

2. *animal health laboratory* means a laboratory diagnosing or excluding animal diseases, carrying out supplementary diagnostic assessments evidencing the infection or the absence thereof, evaluating veterinary medicinal products, performing toxicological assessments related to pathogens impairing animals’ health, as well as analytical, microbiological, radiological, food hygiene, food safety, feed hygiene and feed safety assessments, or pursuing any of the above activities;

3.

4. *distribution of animals* means the sale of animals in the framework of business activities;

5. *veterinary medicinal product* means any substance or combination of substances designed for the treatment or prevention of animal diseases, and any substance or combination of substances that may be used for the restoration, correction or modification of the physiological functions of animals by triggering pharmacological, immunological or metabolic effects, or for making a veterinary diagnosis;

6. *veterinary products* include veterinary medicinal products, active ingredients of veterinary medicinal products, veterinary biocide products, and healthy products, nursing products and additives used in the veterinary practice;

7. *product of animal origin* means food of animal origin and products containing material of animal origin;

8. *veterinary clinic* means an animal hospital also serving the purposes of graduate and postgraduate training, and veterinary research;

9. *veterinary hospital* means an institution providing veterinary services, where besides basic care, animals are subjected to emergency (first aid type), specialized (infectious and non-infectious) or special (internal medicine,

obstetrics/reproduction biology, surgery and special instrumental or operative) assessments and treatments both in an in-patient and out-patient fashion;

10. *veterinarian* means an individual having a degree in veterinary medicine in accordance with separate legislation;

11. *veterinarian's office* means an institution providing veterinary services, where activities referred to in §1, point b) are carried out;

12. *veterinary activities* include activities that can be carried out by individuals having a degree in veterinary medicine, such as assessment of the health status of animals, preventive or curative intervention, ordering pharmaceuticals for the animals, food hygiene assessments, expert's activities and consultancy, assessment and control of dead animal bodies, products of animal origin and other products pertaining to the field of animal health, as well as sending diagnostic samples, and the related administrative activities;

13. *transport of animals* means changing the location of animals by driving them on foot, by vehicle or by any other means;

14. *animal keeper* means a natural person, legal person or enterprise without legal personality that is responsible for the animals on a permanent or on a temporary basis, including the periods of transport and distribution;

15. *import* means importing goods from a country outside the European Union (hereinafter referred to as "third country") and releasing them for free circulation;

16. *domestic transport* means the transport of goods between a place of origin and a place of destination both located in the territory of the Republic of Hungary without the consignment ever leaving the territory of the Republic of Hungary during the transport;

17. *internal market trade* means the trade of goods between the Republic of Hungary and another Member State of the European Union;

18. *infection mediator* means living organisms, or living or non-living material capable of mediating infectious animal diseases;

19. *infectious animal disease* means animal diseases induced by pathogens, and transferred via infection mediators or other means;

20.

21. *epidemic animal disease* means an epidemic animal disease transmitted between animals;

22. *epidemiology* means measures that can be taken with a view to fight, recognize and eliminate pathogens threatening both animals and humans and spreading by infection mediators or by other means, as well as the diseases caused by such pathogens, and the implementation of such measures;

23. *national chief veterinary officer* means the representative of the animal health and food control services appointed by the Government.

24. *emergency slaughter* means emergency bleeding of injured animals or diseased animals threatened by the risk of impending death with a view to prevent the animal from dropping or its meat from becoming unsuitable for consumption due to the aggravation of the disease;

25. *export* means transporting goods from any Member State of the European Union to a third country;

26. *microchip* means an electronic identifier system (transponder) which, upon implantation into the body of the animal, is capable of individually identifying animals;

27. *monitoring* means conducting a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with feed or food law, animal health and animal welfare rules;

28. *parasitosis* means health impairment caused by parasites;

29. *reproduction biology* means the practice and animal health conditions of breeding healthy offspring;

30. *zoonosis* means a disease or infection that may be naturally transmitted between animals and humans directly or indirectly;

31.

Rules of animal keeping

§3 (1) Animals shall be kept at locations and in a manner according to separate legislation. In case of animal keeping for the purpose of producing food of animal origin, rearing sites, as specified in separate legislation, shall be created and keeping and rearing methods shall be applied that ensure the safeguarding of the health of animals and the suitability of the food of animal origin thereby obtained for direct human consumption or for food production.

(2) Animal keeping should not threaten human and animal health or damage the environment.

(3) The feed and water used for the feeding and watering of animals should not threaten animal health or – indirectly – human health.

(4) Animals used for rearing or breeding should be healthy animals free from infectious or parasitic diseases transmissible by mating or artificial insemination.

(5) Under the conditions laid down in separate legislation, it shall be forbidden to use materials with established hormone content or hormonal activity or other material impairing human or animal health during animal keeping, especially for the improvement of the animals' reproduction or production yield.

Sites subject to animal health control

§4 (1) For the operation of collection stations covered by separate legislation, trading sites, feeding/watering stations, resting stations, animal reloading points, veterinarian's offices, veterinary hospitals, veterinary clinics, veterinary laboratories, animal health laboratories operated by parties other than the state and performing food hygiene and safety assessments, sites producing food of animal origin, cold stores, plants transporting and/or treating animal by-products and plants producing feedstuffs, the approval of the competent animal health authority shall be required.

(2)

(3) In addition to the above, the approval of the animal health authority shall be required in other cases specified by separate legislation.

Obligations of animal keepers and veterinarians

§5 (1) Animal keepers shall be obliged to

a) ensure regular care and veterinary services for their animals;

b) in case of keeping species and a number of animals specified in separate legislation: maintain stock registers and ensure veterinary services by a written agreement; notify the veterinarian providing veterinary services for the animals and the notary of the local municipality (hereinafter referred to as the "notary") of the species and number of animals as well as of their rearing sites and of any changes to the above within five days; and, in the case of animals required to be individually identified, ensure individual identification within the time specified by separate legislation;

c) notify, without delay, the veterinarian of any diseases or suspected diseases of their animals; make diseased animals or those suspected of being diseased examined; and, in cases specified by the legislation, carry out the veterinarian's instructions for the treatment of the animal (stock) and for the prevention of disease transmission;

d) tolerate the examination, treatment, vaccination, removal, slaughtering or killing of their animals as required by the animal health authority for epidemiological or hygiene reasons, ensure personnel to assist the veterinarian carrying out such tasks, and collaborate in accordance with the damage mitigation obligations;

e) notify the veterinarian of the death of animals or of their emergency slaughter without a veterinarian's participation, and present the dead animal bodies for examination;

f) in cases specified by separate legislation, make slaughtered animals examined by the veterinarian;

g) ensure the removal and disposal of animal by-products, particularly dead animal bodies in compliance with separate legislation;

h) notify the animal health authority – at their request – on the disposal of animal by-products in compliance with separate legislation;

i) ensure the animal health examination of their animals in accordance with separate legislation.

(2) The obligations described in paragraph (1) c) apply to

a) individuals or leaders of organizations entitled to hunting, fishing and animal rearing and breeding; and, those:

b) managing the animal farm (plant) on behalf of the owner;

c) supervising the animal;

d) taking care of, nursing, feeding and safeguarding the animal;

e) accompanying the animal during transport.

(3) During the transport of animals to slaughterhouses or to emergency slaughter, or during the transport of animals, products of animal origin or food of animal origin for the purpose of selling them, animal keepers shall properly notify the competent veterinarian on the circumstances influencing the distribution, particularly on the health status, treatment and feeding of the animals.

(4) The notification and reporting obligations specified in paragraph (1) c) and (1) e) apply to leaders of institutions performing veterinary examinations and treatment, as well as to any individuals dealing with the

treatment of animals, artificial insemination, embryo transplantation, transport of animals, trade in animals, meat inspection, the sale, processing or disposal of slaughtered, killed or dead animals, or the products obtained from them, or those collaborating in any of the above activities.

§6 (1) For the veterinary services, animal keepers may freely select any of the private veterinarians having appropriate authorization.

(2) The veterinarian shall provide full information to animal keepers on the rearing, feeding and health status of the animals, on the measures to be taken, and on the expected financial and legal impact thereof.

(3) The veterinarian shall provide first aid services in a manner reasonably expectable from him/her, and inform animal keepers on the possibility or obligation of asking for further veterinary services. In case of suspicion of the presence of animal diseases that are subject to reporting obligations (hereinafter referred to as “notifiable animal diseases”), the veterinarian shall notify the competent animal health authority at the same as providing the emergency care expectable from him/her in the given situation.

Outbreak control measures

§7 (1)

(2) Notifiable animal diseases are listed in the Annex hereto.

(3) In case a disease becomes classified as notifiable animal disease in the European Union, the minister responsible for animal health affairs (hereinafter referred to as “the Minister”) shall provide for the obligation of notification in a separate legislation. For the newly discovered infectious animal diseases representing a serious risk to the livestock in the country and inhibiting international trade or also threatening humans, the Minister may provide for an obligation of notification for a fixed period.

(4) In order to prevent, diagnose and inhibit the spreading of notifiable animal diseases and to reduce or remediate the associated damage, and to the extent required by the nature and prevalence of the disease, the animal health authority may provide for the following outbreak control measures:

- a) isolation,
- b) observation quarantine (authority observation),
- c) circulation restrictions,
- d) local quarantine,
- e) village quarantine (protection zone),
- f) establishing a protection area (observation zone),
- g) ban on the handling of passports according to §15,
- h) ban on insemination,
- i) diagnostic tests and killing for such purposes,
- j) vaccination,
- k) treatment,
- l) isolated or closed slaughtering,
- m) killing the animals (making them killed),
- n) sequestration and disposal of infection mediating materials, means and objects, food, feed, animal by-products and products of animal origin,
- o) disinfection,
- p) using lands, vehicles, buildings, utensils and materials to the extent and for the period required to ward off the danger, and against ulterior compensation in proportion to the extent of restrictions,
- q) in order to efficiently implement the outbreak control measures, obliging businesses (e.g., slaughterhouses, plants treating animal by-products) to collaborate to the extent and for the period required to ward off the danger, and against ulterior compensation in proportion to the extent of collaboration.

§8 (1) More than one outbreak control measures may be taken simultaneously. The ordaining decision shall be enforced immediately without having regard to appeals.

(2) At the same time, the notary of the local municipality, including the notary general in the case of the capital city, shall be informed of the outbreak control measures taken from those listed in points a) to g) of §7 (4) above.

(3) During outbreaks of infectious animal diseases with a potential of major economic damage or inhibiting international trade – provided that it is justified by the outstanding risk of an infectious animal disease – the Minister may prohibit the transportation of live animals, products of animal origin, feedstuffs, as well as other goods capable of transmitting epidemic animal diseases from Hungary to other countries, and may take measures necessary to prevent the further spreading of the disease or to eliminate it.

(4) During major epidemic dangers, the police shall collaborate in warding off the danger in accordance with separate legislation.

§9 (1) In case of suspicion of the presence of an epidemic animal disease, the private veterinarian shall – in order to ward off the epidemic danger – take the required actions in a manner reasonably expectable from him/her in the given situation and inform the organization entitled to take further measures without delay.

(2) In case of a notifiable animal disease or the suspicion thereof, the private veterinarian shall notify the competent animal health authority without delay, and shall carry out the epidemiological tasks and all those tasks that are necessary to prevent and eliminate the outbreak that are delegated to his/her scope and power by this Act, and shall provide animal keepers with the necessary instructions.

(3) In case of an epidemic danger, private veterinarians may be requested by the animal health authority to carry out public work on the basis of an agreement according to §30 (1) *i*), and against wage and cost reimbursement. Private veterinarians shall be obliged to meet such requests, during the execution of which they shall be considered to discharge public functions.

(4) During providing emergency care, the veterinarian may officially recommend the emergency slaughter of injured, diseased or non-transportable animals.

§10 (1) In case of taking any of the outbreak control measures listed in points *i*) to *q*) of §7 (4) above – with the exception specified in paragraph (4) –, compensation from the government shall be available to:

a) owners of animals found dead or killed, or of materials, utensils and objects destroyed because of any of the animal diseases listed in the Annex hereto;

b) owners (users) of lands, vehicles, buildings, equipment, utensils and materials defined in point *p*) of §7 (4) above;

c) businesses defined in point *q*) of §7 (4) above;

(2) The financial framework required for the purpose of such compensations and for the disposal of animal by-products shall be planned and ensured annually in the central budget, under a separate subtitle in the chapter for the Ministry headed by the Minister.

(3) The amount of compensation shall be the commercial value of the animal, material, utensil or object, or shall be proportionate to the damage caused by the requisition or collaboration (excluding loss of profit). The detailed rules of the associated damage survey and payment are laid down in separate legislation. The method of payment shall be defined in the ordaining decision.

(4) No compensation shall be available:

a) for animals imported despite the prohibition or in an illegal manner, or for the materials, utensil or objects used in connection with the keeping of such animals;

b) in case the animal keeper fails to report the suspicion of the disease or to fulfil the relevant obligations;

c) in case of animals obtained by ownership transfer and the owner was aware of the diseases or infections the animal had at the time of such transfer;

d) in case the outbreak control measures were taken as result of other misconduct of the animal keeper;

e) for wild game, except for wild livestock and protected animals captured on the basis of an authorization, and kept or reared in closed areas (wild animal parks, wild animal gardens, free flight facilities for birds) for more than six months;

f) for manure or bedding;

g) for animals kept, or for animals or products transported or distributed without compliance with the animal health legislation.

Treatment of animal by-products

§11 (1) Animal by-products must be processed or disposed according to separate legislation.

(2) With the exceptions described in paragraph (3), the transport, processing and disposal of animal by-products shall be the responsibility of the owner or, in case the owner is unknown or absconds, of the municipality with jurisdiction at the location of the animal by-products.

(3) The disposal of animal by-products generated during the prevention, exploration and elimination of the animal diseases listed in the Annex hereto shall be the responsibility of the government, and animal health authority shall take the measures required for their implementation.

§12 (1) Animal by-products shall be treated or transported only by those having an authorization for such activity (hereinafter referred to as “operator”). Besides those covered by separate legislation, the conditions of issuing such authorization include:

a) compliance with the animal health, public health and environmental regulations;

b) in case of plants treating animal by-products classified as Category 1 or Category 2 animal by-products under separate legislation, preliminary commitment to carry out the measures ordained pursuant to §11 (3) in the area described in the application for authorization of operation.

(2) With the exceptions described in paragraph (3), the authorization of operation for the treatment of animal by-products – separately for each site – shall be issued to the operator by animal health authority.

(3) The transport of animal by-products shall be authorized by the animal health authority.

§13 (1) When outbreak control measures are taken, the animal health authority shall contract an operator with a technology and capacity suitable for the disposal of the animal by-products.

(2) In case the operator fails to comply with the preliminary commitment, the animal health authority shall repeal the authorization of operation and – in case of contribution by special authorities – shall notify the special authorities involved in the authorization. When an authorization of operation is repealed, in the case of individual operators, it shall also notify the authority issuing the private entrepreneur's authorization for such activities with a view to repealing this authorization; in other cases, it shall also notify the county court providing legal supervision, as the registry court, with a view to canceling these activities.

§14 (1) With the exceptions described in paragraph (2), the cost of the processing and disposal of animal by-products shall be borne by the owner of such animal by-products, or, in case the owner is unknown, by the local municipality. If becomes known, the owner shall reimburse the municipality for such costs.

(2) The cost of disposal ordained as an outbreak control measure by the animal health authority shall be borne by the government.

Passports

§15 (1) In cases specified by the legislation, animal keepers shall apply for passports or equivalent documents covered by separate legislation (hereinafter collectively referred to as "passport") and make them handled, for horses, donkeys, mules, bovine animals, buffaloes, swine, sheep and goats, as well as for cloven-hoofed wild game, as a proof of their merchantability in terms of animal health.

(2) Before issuing a passport, the animal should be permanently identified in accordance with the animal health and zootechnical regulations.

(3) The handling of passports is subject to paying a fee specified by separate legislation.

(4) Animal keepers shall pay the passport handling fee in cash to the passport handling organization. The fees paid are considered as the passport handling organization's own revenue.

(5) Pets may be labeled by microchips having an authorization for placing on the market. The labeling may be carried out by veterinarians.

Transport and distribution of animals and products of animal origin

§16 (1) Animals shall be gathered and transported without threatening their health and in accordance with the legislation.

(2) During transport, animals and products of animal origin shall be accompanied by documents specified by separate legislation.

(3) Animal fairs, animal exhibitions, animal competitions and animal shows, including side-show with animals, shall be held at locations and times approved by the notary.

(4) Those engaged in animal distribution shall maintain a registry of the animals distributed by them, the contents of which is specified by separate legislation, shall present it at the request of the competent authority, and shall apply for registration with the animal health authority in accordance with separate legislation.

(5) Animals from foreign livestock or from other countries shall be isolated (quarantined) according to separate legislation, also taking into consideration the provisions of §18.

§17 (1) During internal market trade in or imports of animals or products of animal origin, the animal health authority shall carry out the controls specified by separate legislation.

(2) The customs authority's approval of imports of animals or products of animal origin – pursuant to separate legislation – shall be subject to the animal health authority having carried out the animal health controls ordained by the customs authority and to the favorable results thereof (evidenced by an animal health certificate).

§18 In order to prevent animals or products of animal origin that fail to meet the Hungarian animal health requirements from entering the territory of Hungary – for animal species and products of animal origin not fully

covered by Community legislation (hereinafter referred to as “non-harmonized animal species and products of animal origin”) –, the Minister shall individually define:

a) the animal health and hygiene conditions of transportation to Hungary – as the Member State of destination – from another Member State of the European Union;

b) the animal health and hygiene conditions of transportation to Hungary – as the Member State of destination – from a third country.

Veterinary medicinal products

§19 (1) An authorization shall be required for the production and non-laboratory testing in Hungary of veterinary medicinal products; the imports, placing on the market, distribution and use of such medicinal products – except for those specified by separate legislation – shall be subject to a registration procedure in Hungary and shall require an authorization for placing on the market or an authorization for distribution. The production of active ingredients of veterinary medicinal products shall also require an authorization.

(2) Veterinary medicinal products containing genetically modified organisms shall be produced, tested, imported, placed on the market, distributed and used in accordance with separate legislation.

(3) The conditions of domestic registering, producing, importing, non-laboratory testing, placing on the market, distribution and use of veterinary medicinal products are laid down in separate legislation.

(4) Pursuant to separate legislation, the veterinarian shall be entitled to order registered medicinal products and materials included in the Pharmacopoeia in force.

(5) The rules of authorizing the distribution of veterinary medicinal products are laid down in separate legislation.

§20 (1) The animal health authority shall carry out controls at Hungarian manufacturers, distributors and users of registered veterinary medicinal products, at the place of first storage in Hungary in case of imports, and at manufacturers of active ingredients of registered veterinary medicinal products.

(2) In the framework of the procedure of the competent animal health authority, samples may be taken free of charge. The holder of the medicinal product may request the taking of counter samples.

§21

Tasks of the authority related to confiscated or sequestered animals

§22 (1) In order to accommodate the animals confiscated or sequestered during an offence or criminal procedure, the animal health authority shall have the right to require rearing sites on the basis of contract and against compensation, with the costs being borne by the owner of such animals.

(2) With the exception of dangerous animals, animals under nature conservation protection and animals covered by international nature conservation conventions, the animal health authority may hand over sequestered animals to a non-governmental animal protection organization, without paying compensation.

(3) Upon sequestration, the animal health authority may hand over dangerous animals, animals under nature conservation protection and animals covered by international nature conservation conventions to a zoo or nature conservation authority, without paying compensation.

Multiannual national control plan

§23 (1) The multiannual national control plan (hereinafter referred to as “the Plan”), which is part of the integrated multiannual national control plan and is covered by separate legislation, shall contain the control procedure scheme of the animal health authority in the field of epidemiology, food hygiene, animal protection and as regards veterinary products and feedstuffs.

(2) Using the principles of quality assurance, the Plan shall be based on risk identification, analysis and management.

(3) The preparation, organization of implementation and governance of the Plan shall be the responsibility of the animal health authority.

§24 The implementation of the Plan shall be audited by an Auditing Body established by the Minister and supervised by the national chief veterinary officer. The members of the Auditing Body shall be appointed by the Minister and shall include the representatives of the animal health authority.

§25 (1) The animal health tasks shall be carried out by:

- a) the Minister;
- b) the animal health authority,
- c) the approved veterinarian;
- d) the animal health laboratory of the state;
- j) the Hungarian Chamber of Veterinarians (hereinafter referred to as "the Chamber"), and
- f) private veterinarians.

(2) The animal health and food control services of the state consists of the organizations listed in points b) to d) of paragraph (1) and is headed by the national chief veterinary officer.

(3)-(4)

§26 (1)-(2)

(3) The Chamber shall be responsible for organizing on a national level the scheme of issuing and handling passports for pets specified in separate legislation. In connection with this function, the Chamber shall be obliged to provide data to the animal health authority without hire or reward. Az ezekkel kapcsolatos hatósági ellenőrzést az állat-egészségügyi hatóság látja el.

(4) The financial framework required for the discharging of the functions of the animal health and food control services of the state according to this Act and for the development of their services shall be ensured from the central budget and from administrative service fees.

Measures taken by the animal health authority

§27 (1) The animal health authority may adopt the following measures as animal health and food control measures, in accordance with separate legislation:

- a) may prohibit, restrict or lay down conditions for the entry into a given area or room;
- b) may ordain the detention or disposal of utensils, objects, and materials.

(2) In life-threatening cases or when serious damage is anticipated, the animal health authority may cite private individuals living outside its area of jurisdiction to the headquarters of the authority, and the decision may be announced using the customary local channels (for example, loudspeakers or the local media). In such cases, the decision shall also be published via notices. The period available for lodging appeals starts on the day following the day of announcement via the customary local channels.

(3) In case the activities pursued on the basis of an authorization of operation issued by the animal health authority fail to comply with the legal requirements, the animal health authority shall, in a decision, ordain the suspension of the activities for a fixed period or the repealing of the authorization of operation. In case compliance with the legal requirements is not achieved by the end of the fixed suspension period, the authority shall repeal the authorization of operation.

(4) To the extent required for the authority assessments, the animal health authority may take samples from animals or products without paying compensation, and may ordain the removal from circulation, reprocessing or disposal of the food, feed or veterinary medicinal products concerned, or the further examination, isolation, compulsory treatment, vaccination or killing of the animal.

(5) When the animal health authority prohibits importation, or transportation to outside or across the territory of Hungary, the decision may be pronounced as immediately enforceable without having regard to appeals in case any delay is expected to lead to irremediable damage or danger.

(6) In case a situation threatening food safety or pharmaceutical safety is revealed during the distribution of food or veterinary medicinal products, the animal health authority shall suspend the distribution or may prohibit it in serious or repeated cases. In case of suspending or prohibiting the distribution of veterinary medicinal products, the animal health authority shall notify the notary thereof. The decision may be pronounced immediately enforceable without having regard to appeals.

§28 (1) Decisions on the authorization of the non-laboratory practical testing, manufacturing and distribution of veterinary medicinal products and authorization of the manufacturing of active ingredients of veterinary medicinal products shall be adopted within 90 days, and decisions on the authorization of placing on the market of veterinary products shall be adopted within 210 days.

(2) Laboratory analyses providing the basis for the decision of the animal health authority shall be carried out by laboratories accredited for that purpose and operated by the animal health and food control services of the state.

(3) During the controls covered by separate legislation and in the presence of a representative of the animal health and food control services of the state, experts of the European Commission and experts appointed by the European Commission shall have the right to

- a) enter rooms or establishments under control,

- b) check the equipment and utensils,
- c) have access to or make copies or abstracts of the documents and data media under control without prejudice to separate legislation on data protection and secrecy.

The animal health and food control services of the state

§29

§30 (1) In the framework of the governance and organizational functions of animal health, the Minister

a)-e)

f) shall facilitate – in cooperation with the Hungarian Academy of Sciences, other scientific institutions, the Faculty of Veterinary Sciences of the Szent István University and the ministers concerned – the activities in the field of veterinary sciences and the widespread practical application of the results of Hungarian and non-Hungarian research projects;

g) may ordain state-supported eradication programs for the elimination of animal diseases that have a high potential for major damage in the national economy or are dangerous for public health, and monitoring programs, and shall announce epidemiological emergency situations;

h) provide for the organization of the implementation of the animal health tasks of the state;

i) agree with the Chamber on the use of private veterinarians for public functions;

j) in case of an epidemic danger, for the prevention or elimination thereof, it shall govern the fighting efforts over the entire territory of the country, in the framework of which it may arrange the functions specified in this Act between the individual units of the animal health and food control services of the state in distinction to the provisions of this Act;

k) it shall prepare the Plan; organize, govern and supervise the implementation thereof; amend the Plan as necessary; and discharge the coordination and liaison functions related to the integrated multiannual national control plan with regard to its own area;

(2) When discharging the functions referred to in paragraph (1), the Minister shall cooperate with the Chamber.

§31

§32 In the framework of its governance and organizational functions, the animal health authority shall

a)

b) take the measures described in §7 that are necessary for the prevention, exploration and elimination of previously unknown diseases – in case of an immediate danger thereof –, and provide for the state compensation taking into consideration the provisions of §10;

c) operate a survey system for the understanding of the regional or national prevalence of certain animal diseases, and of the extent of infection, and for the laboratory assessment of the hygiene and safety of food and feed; and provide for control assessments;

d) develop the emergency plan required to fight epidemic animal diseases;

e) provide for free vaccines and pathognomonic materials required for the prevention or elimination of epidemic animal diseases, ensure the technical and technological conditions and protection equipment necessary for the prevention or repression of epidemics, as well as the continuous maintenance and replacement thereof;

f)

g) prohibit – according to separate legislation – the importation, or transportation of goods to outside or across the territory of Hungary;

h) organize the discharging of the functions related to radiochemical analyses and controls specified by the legislation;

i)-m)

n) identify and analyze the risks related to veterinary medicinal products and prepare the measures required for the management of such risks;

o)-p)

q) ensure the professional training required for the uniform implementation of animal health tasks;

r)

§33 For the costs of discharging the functions of the state referred to in §30 (1) *g)*, an annual target appropriation for epidemic control shall be established in the central budget, under a separate subtitle. The Minister shall provide for the uses of this target appropriation in accordance with the legislation on budget management.

§34 In the framework of its animal health governance and organizational functions, the animal health authority shall

a) organize the prevention, exploration and elimination of animal diseases, the implementation of the eradication and monitoring programs ordained pursuant to §30 (1) g), as well as the uniform implementation, in accordance with the multiannual national control plan, of the animal health controls and of those controls related to food safety which are delegated to it;

b) operate animal health laboratories to provide a basis for the authority decisions;

c) take measures in order to prevent or eliminate the quality problems and adverse effects of veterinary medicinal products;

h) when discharging its functions, maintain a contact and cooperate with the municipalities of the settlements, the public administration office, the health administration agency, the competent environmental authority, the consumer protection authority, the customs authority, the law enforcement services, and the local agencies of the Chamber;

e) organize surveillance and emergency services in order to carry out its authority functions;

f)-g)

h) execute the food and feed quality control tasks covered by the legislation;

i) participate in the establishment and operation of the animal identification and registration system and carry out the tasks related to the control thereof, against special fee;

j) prepare the county emergency control plan for the infectious diseases specified by the Ministry;

k) develop the county control plan on the basis of the multiannual national control plan and govern the implementation thereof, and control the activities of official veterinarians;

l) ensure professional training programs necessary for the uniform implementation of animal health tasks;

m) use Hungarian and international animal health information systems facilitating the implementation of certain animal health tasks in accordance with separate legislation;

n) organize and implement the epidemiological, food hygiene, food safety, feed hygiene and feed safety controls;

o) request annual reporting on the registry of approved rearing and breeding establishments, embryo transplantation stations and stallions for natural service;

p)

e) govern and control the implementation of the animal health tasks required by the legislation (compulsory vaccination, diagnostic tests, control of parasitoses etc.), and participate in the implementation in cases defined by separate legislation;

§35 (1) The animal health authority shall ordain:

a) the measures required during epidemic dangers, including the public use of private veterinarians;

b) the disposal of bodies of animals died or killed because of zoonotic diseases, the by-products thereof, and infected materials and utensils; shall define the method of disposal, and, at the same time, shall notify the competent notary, the environmental authority, the water management authority and the health administration agency in case the place and/or method of disposal is different from those approved by the authorities;

c) the disposal of animal by-products requiring stricter epidemic control; shall define the method of disposal and inform the environmental authority thereof;

d) the implementation of the authority functions required by separate legislation (compulsory vaccination, diagnostic tests, control of parasitoses etc.).

(2) The animal health authority shall authorize:

a) the operation of veterinary clinics, veterinary hospitals, collection stations, trading sites, feeding/watering stations, resting stations, sites producing food of animal origin, cold stores, plants treating and/or transporting animal by-products and plants producing feedstuffs;

b) the treatment, use and further processing of by-products from food production plants, which may be used as feed;

c) flayer activities;

d) animal reloading points and vehicles intended for the transport of live animals;

e) the operation of animal health laboratories performing food hygiene and food safety assessments that are operated by parties other than the state;

f) the operation of veterinary laboratories.

(3)

(4) The animal health authority shall register, according to separate legislation:

a) animal transporters, animal traders, collection stations, trading sites, feeding/watering stations, resting stations, sites producing, distributing or dispensing food of non-animal origin, as well as the sites subject to animal health control pursuant to separate legislation;

b) vehicles intended for the transport of live animals;

c) veterinarians;

d) veterinary laboratories;
e) plants treating or transporting animal by-products;
f) wholesale trading establishments producing and distributing animal origin food;
g) the animal health laboratories performing food hygiene and food safety assessments that are operated by parties other than the state;

(5) The animal health authority shall control:

a)
b) the activities of private veterinarians operating in their area of jurisdiction, and, in case of detecting an offence, shall admonish them to cease such offending conduct, initiate an ethical procedure with the Chamber and take the measures necessary for restoring compliance;
c) the compliance with international standards of food production, dispensing and distribution sites exporting to third countries;
d) veterinary medicinal products in the framework of market surveillance, the conditions of retail distribution and the use of veterinary medicinal products; supervise the testing in practice of veterinary medicinal products and authenticate the study reports thereof;
e) the production, distribution and use of feedstuffs containing veterinary medicinal products;
f) plants producing feed premixes and mixes, as well as the distribution of feed premixes and mixes;
g) the compliance with the conditions for approved and registered food production sites as specified by separate legislation;
h) the treatment of animal by-products.
i) compliance with the animal health rules by animal keepers, transporters and distributors and the health status of animals;
j) the feed used for the feeding of the animals, the grazing lands, the water used for watering the animals, the buildings accommodating the animals, the machines and equipment used during the keeping of animals, as well as the technology applied, against animal health and feed hygiene criteria;
k) compliance with the animal health rules by rearing sites, collection stations, trading sites, feeding/watering stations, resting stations, animal fairs, animal exhibitions, animal shows, zoos, animal competitions, animal boarding establishments, animal asylums and animal shops;
l) the performance of the assessments and treatments required by the legislation;
m) domestic transport and internal market trade in live animal and products of animal origin in accordance with the provisions of separate legislation;
n) the exports of live animals and products of animal origin;
o) the suitability of food production, dispensing and distribution sites for exporting into third countries according to international standards;
p) the suitability of food of animal origin for processing or human consumption;
q) compliance with the epidemiological and food hygiene provisions during the production and storage of food and the processing, transport and distribution of products of animal origin;
r) the retail distribution of veterinary medicinal products;
s) compliance with the epidemiological and food hygiene provisions by feed producers, users and distributors;
t) the conditions of animal rearing or breeding;
u) the disposal of animal by-products, materials and utensils requiring stricter epidemic control.
v) the operation of veterinary laboratories;
w) the operation of animal health laboratories performing food hygiene and food safety assessments that are operated by parties other than the state;

(6) The animal health authority:

a) shall provide for the taking under animal health supervision of goods that are accompanied by the required authorization or certificate but gives rise to animal health objections during identity or other checks;
b) may ordain isolated slaughtering for epidemiological reasons;
c) shall ensure suitable accommodation for animals confiscated or sequestered during an offence or criminal procedures provided they are not classified as dangerous or are not under nature conservation protection or are not covered by international nature conservation conventions;
d) shall pre-rate rearing and breeding technologies, machines, utensils, equipment and rearing plants according to epidemiological and a hygiene criteria in order to ensure compliance with animal health requirements;
e) in accordance with separate legislation, may impose epidemiological and food safety restrictions or prohibitions on the use and placing on the market of food, raw material and finished food products of animal origin;

f) shall decide, as necessary, on the suitability of the isolation unit (quarantine) selected for the reception of animals from foreign stocks or from other countries, and on the conditions the isolation (quarantining) of animals;

g) shall carry out and control the analyses of meat from animals slaughtered for public consumption or for other reasons according to the provisions of separate legislation;

h) during the domestic transport of animals, shall examine the animal stocks of the place of provenance, the animals to be transported and the means of transport, shall certify the merchantability of animals and shall issue the documents required for transportation;

(7) The animal health authority:

a) shall certify that the livestock is free from the diseases and infections covered by separate legislation;

b) shall issue animal health certificates and other documents required for the international trade of the goods;

(8) shall publish the register of the animal health authority as specified in paragraph (4) *e)* and (4) *f)* on its webpage.

§36

§37 (1) At border stations, the animal health authority:

a) shall control compliance with the animal health rules of the transit passing the border, and shall carry out the animal health control of goods pursuant to separate legislation;

b) shall carry out – in the framework of the animal health controls – the document, identity and physical checking of the goods according to separate legislation;

c) shall control the suitability of animals for transportation, as well as the means of transport;

d)

e) shall take the measures specified by separate legislation in case the goods are not in compliance with the animal health requirements;

f) shall control compliance with the animal health requirements specified by the Member State of destination during the transportation of non-harmonized animal species and products of animal origin from a third country to other Member States via entry at a Hungarian border station;

g)

(2) When discharging its border station functions, the animal health authority shall cooperate with the animal health authorities of the neighboring countries, the plant health protection agency, as well as the border guarding and other services.

§38 (1) In the scope of its food hygiene tasks, the animal health authority:

a) shall control compliance with the food hygiene conditions specified for food production establishments, production technologies and processes, storage and distribution, and the individuals participating in such activities;

b) shall control the certificates and documents accompanying animals intended for public consumption;

c) shall carry out the assessments of animals to be slaughtered, of meat from slaughtered (killed by hunting, caught or collected) animals and of food of animal origin;

d) may carry out organoleptic and instrumental assessments, sampling and supplementary assessments or may require laboratory assessments;

e) shall evaluate and certify the suitability of products of animal origin for consumption;

f) shall control the distribution of animals and products of animal origin on a regular basis;

g) shall control the collection of animal tissues and organs suitable for the production of pharmaceuticals;

h) shall discharge certain functions referred to in §35 (5) *l)-q)* and *u)*, and §35 (7) *b)*;

i) shall regularly control the suitability of food production, dispensing and distribution sites for exporting into third countries in accordance with the international standards;

j)

(2)

§39

§40 The animal health authority:

a) shall collaborate in the identification of the causes of animal diseases, in the exploration of the prevalence of infection and in the implementation of local and national programs for the eradication and elimination of diseases, primarily by diagnostic tests and other professional assessments;

b) shall produce or purchase diagnostic materials and tools in order to apply analytical methods in compliance with the international requirements;

c) carry out surveys and targeted assessments on commission by the Minister;

d) participate in research, and in the education of veterinarians and other animal health professionals;

e) shall manage its results of assessments in the national diagnostic data bank;

- f) shall carry out – on the basis of an assignment by the Minister – the tasks of reference laboratories, as well as the rating, control by collaborative testing and professional review of food analysis laboratories;
- g) shall assess the hygienic suitability of food industry machines and equipment on a regular basis;
- h) shall maintain the national registry of veterinarians;
- i) shall operate the National Animal Health Information System;
- j) shall approve the operation of veterinary laboratories and maintain a registry thereof;
- k) shall assess the professional operation of veterinary laboratories;
- l) shall maintain the national registry of plants treating and/or transporting animal by-products and ensure the publication thereof on its own website;

§41 The animal health laboratory of the state:

- a) shall conduct thematic, surveying and targeted assessments in the field of microbiology, chemistry and radiology;
- b) shall carry out – on the basis of assignment – the tasks of reference laboratories, as well as the rating, control by collaborative testing and professional review of food analysis laboratories;
- c)
- d) shall participate in research, and in the education of veterinarians and other animal health professionals;
- e)-i)
- j) shall participate in the control and rating of food production plants;
- k)

§42 In the scope of its tasks related to the control of veterinary vaccines, medicinal products and feedstuffs, the animal health authority:

- a) shall authorize the placing on the market of veterinary medicinal products and represent Hungary in Community procedures of approval of veterinary medicinal products;
- b) shall authorize the placing on the market of veterinary biocide products until all of their active ingredients are included in the relevant Community lists;
- c) shall approve the industrial scale production of veterinary medicinal products and their active ingredients, and the testing in practice of veterinary medicinal products;
- d) shall authorize the importation of veterinary medicinal products;
- e) shall authorize the placing on the market of microchips and maintain a registry thereof;
- f) shall register healthy products, nursing products and additives used in veterinary care;
- g) shall keep the record of veterinary medicinal products and shall maintain a registry of the distributors and manufacturers of veterinary medicinal products;
- h) in accordance with separate legislation, shall publish the public data related to veterinary medicinal products and to the distributors and manufacturers of veterinary medicinal products;
- i) shall control the sites producing veterinary medicinal products and active ingredients thereof, the circumstances of production and the conditions of the wholesale distribution of veterinary medicinal products;
- j) shall participate in the control of the production and importation of veterinary medicinal products;
- k) shall carry out the assessments of veterinary medicinal products specified by the legislation;
- l) shall review quality complaints related to veterinary medicinal products and the presumable adverse effects thereof, and shall satisfy the obligations related to the relevant international information systems;
- m) shall operate the central storage and dispensing facility of vaccines and pathognomonic materials required for discharging the animal health functions ordained by the state;
- n)-p)

The animal health functions of municipalities of settlements (or of the districts of Budapest)

§43 (1) In the central area of settlements, the municipality of the settlement shall – as a compulsory function – ensure the discharging of the functions related to the capturing, guarding, sale or disposal of stray dogs, and to the killing of stray dogs and cats showing signs of, or suspected of suffering from, diseases that potentially threaten human or animal health.

(2) In the central areas of Budapest, the Municipality of Budapest shall ensure the discharging of functions related to the capturing, guarding, sale or disposal of stray dogs.

§44 (1) In case of suspicion of the presence of a notifiable animal disease, the body responsible for maintaining the animal health registry shall be responsible for taking the temporary authority measures specified by separate legislation and for maintaining the records related to the migration of bees.

(2) The body responsible for maintaining the animal health registry

a) shall keep records of notified dogs, which shall include data on the owner (name, address), identification data for the dog (breed, year of birth, sex, color, and identity number, if it has one) and the date of the last rabies vaccination;

b) shall conduct a census of dogs on an ‘as necessary’ basis or at least every three year in order to update the records;

c) shall continuously enter dog vaccination data into the dog registry on the basis of the reports by vaccinating veterinarians;

d) within 30 days of completion of the organized vaccination program, admonish dog owners (keepers) neglecting vaccination in the previous year to take their dogs to the supplemental vaccination and to present the certification thereof within 15 days, and simultaneously initiate an offence procedure;

e) shall notify the animal health authority in case the supplemental vaccination was neglected;

f) shall ensure the implementation of the decision ordaining the killing of the dog.

(3) During organized vaccinations, the body responsible for maintaining the animal health registry

a) shall agree on the date of such vaccination with the animal health authority,

b) shall announce the date, place and cost of vaccination via the customary local channels,

c) shall establish the personal and material conditions of vaccination.

Animal health fines and administrative service fees

§45 (1) An animal health fine may be imposed on those infringing the provisions of the animal health and food hygiene legislation by their activity or malpractice, the extent of which shall be proportionate to the weight and recurrence of their conduct. Such fines may be imposed repeatedly.

(2) No animal health fines may be imposed if one year has passed since the animal health authority became aware of such action or if three years have passed since the action. Payment of the fine shall not exonerate from other legal consequences.

(3) Animal health fines shall be imposed by the animal health authority.

(4) The minimum and maximum amounts of the fine shall be twenty thousand and three million forints, respectively. The amount of fine shall be payable to the account of the animal health authority. The Minister shall decide on the use of the amount thus collected.

(5) In case of failure to pay the fine, an interest for default shall be imposed on the amount of fine, the rate of which shall be 200% of the base rate of the central bank. The fine and the interests for default shall be collected in the same way as taxes.

§45/A For the procedures in his/her scope, the approved veterinarian shall collect administrative service fees specified by separate legislation, which shall be considered as the animal health authority’s own revenue. The approved veterinarian shall transfer the collected fees to the animal health authority in a manner specified by the authorization.

Final provisions

§46 (1) With the exceptions as described in paragraph (2), this Act shall enter into force on the 1st of January 2006.

a)-g)

(2) §45 of this Act shall enter into force on the 45th day following its publication.

(3) The provisions of §20, §29, §34 *c)*, §35 (5) *d)*, § 36(3) *j)*, §40 (2), §41 *f)* and *g)*, and §42 *a)- d)*, *i)- j)*, *l)* and *o)* of this Act shall also apply to ongoing administrative authority procedures.

§47 (1) The Government shall be authorized to appoint the animal health authority or authorities, the animal health laboratory or laboratories of the state, the body or bodies responsible for maintaining the animal health registry, and to define the legal status, functions and powers of the approved veterinarian in the form of a decree.

(2) The Minister shall be authorized to lay down, in a decree:

1. the detailed rules of compensation;

2. the detailed rules of restrictive measures that may be applied in the field of animal health;

3. the animal health conditions of the trade in and imports of non-harmonized animals and products of animal origin;
4. certain epidemiological rules of feed hygiene;
5. the conditions applicable to the domestic circulation, transportation, internal market trade in and imports of animals, products of animal origin and feedstuffs;
6. the detailed rules of applying for and the handling of animal passports;
7. the detailed rules of the authorization and operation of animal health laboratories;
8. certain epidemiological and hygienic rules of keeping, rearing, breeding, distributing, slaughtering and killing animals, and of holding animal fairs, animal exhibitions, animal shows and animal competitions;
9. the production, registration, placing on the market, distribution and use of certain veterinary medicinal products;
10. the production, registration, placing on the market, distribution and use of veterinary medicinal products;
11. the detailed rules of using electromedical devices used in veterinary care;
12. the production, placing on the market, distribution and use of medicated feedstuffs;
13. the conditions of placing on the market of healthy products, nursing products and additives used in veterinary care;
14. the conditions of placing on the market of veterinary biocide products in agreement with the minister responsible for health affairs;
15. the detailed epidemiological and hygienic rules for sites subject to animal health supervision;
16. the food hygiene conditions of approving food industry machines and equipment;
17. the tasks for which fees should be paid, the rates of such fees and the procedural rules of such tasks;
18. the detailed rules of auditing the implementation of the multiannual national control plan;
19. the animal health and food hygiene conditions of selling on markets, market-places and in market-halls with the minister responsible for trade
20. the animal health conditions of the domestic circulation and transport of food;
21. the execution of community legislation on transportation of animals with the minister responsible for transport
22. the animal health rules of food production, storage, transport and distribution;
23. the animal health rules of the production, processing, disposal, collection, storage, transport, distribution and use of animal by-products;
- 24.
25. the detailed rules of the animal health protection of livestock.

(3) The minister responsible for the local municipalities – in agreement with the minister responsible for tax policies – shall be authorized to lay down the administrative service fees to be paid for issuing and handling passports in a decree.

§48 (1) This Act lays down the provisions required for the implementation of the following Community Regulations:

- a)* Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;
- b)* Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption;
- c)* Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC;
- d)* Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorization and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency;
- e)* Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs;
- f)* Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin;
- g)* Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organization of official controls on products of animal origin intended for human consumption;
- h)* Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

(2) This Act serves the compliance with the following pieces of EU legislation:

- a) Council Directive 89/662/EEC of 11 October 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market;
- b) Council Directive 90/425/EEC of 20 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market;
- c) Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC;
- d) Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries;
- e) Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States.

Annex to Act No CLXXVI of 2005

Notifiable animal diseases

1. Foot and mouth disease
2. Vesicular stomatitis
3. Swine vesicular disease (SVD)
4. Rinderpest
5. Peste des petits ruminants
6. Contagious bovine pleuropneumonia
7. Lumpy skin disease
8. Rift Valley fever
9. Bluetongue
10. Sheep and goat pox
11. African horse sickness
12. African swine fever
13. Classical swine fever
14. Avian influenza
15. Newcastle-disease
16. Bovine tuberculosis
17. Teschen disease, Talfan disease
18. Rabies
19. Glanders
20. Dourine
21. Equine infectious anaemia
22. Equine encephalomyelitis (Eastern, Western, Venezuelan)
23. Rabbit haemorrhagic disease
24. American and European foulbrood of honey bees
25. Bovine spongiform encephalopathy (BSE)
26. Oyster diseases of *Bonamia ostreae* and *Mareilia refringens*
27. Brucellosis
28. Duck virus enteritis (duck plague)
29. Aujeszky's disease
30. Anthrax
31. Scabies
32. Enzootic bovine leukosis
33. Spring viraemia of carp
34. Infectious haematopoietic necrosis
35. Scrapie
36. Viral haemorrhagic septicaemia (VHS)
37. Infectious salmon anaemia
38. Small hive beetle infestation (*Aethina tumida*)

39. Tropilaelaps mite infestation of honey bees (*Tropilaelaps clareae*, *T. koenigerum*)
40. Porcine reproductive and respiratory syndrome (PRRS)

Note: this is the version of Act on animal health what is in force at the moment. It has been amended many times, that is the reason of the deleted lines.